IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 517 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

and

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

THAKOR PRADHANJI KACHARAJI

Versus

STATE OF GUJARAT

Appearance:

MR MD VAKIL for Petitioners.

Mr. A.Y. Kogje, AGP for Respondents.

CORAM : MR.JUSTICE J.N.BHATT

and

MR.JUSTICE Y.B.BHATT

Date of decision: 28/11/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

By this petition, the main relief, which is sought by the petitioner under Article 226 of the

Constitution of India, is that the respondents should be directed to declare the award under Section 11(1) of The Land Acquisition Act, 1894, within the reasonable time by fixing final compensation of the amount, the possession of which has, already, been handed over to the respondents and part of the compensation towards the advance payment has, already, been received by the petitioners. The land in anticipation of acquisition handed over by the petitioner has, already, been used and project is completed despite the fact that the acquisition proceedings have yet not been initiated even by issuance of Notification under Section 4 sub-section (1).

2. Learned Assistant Government Pleader, Mr. Kogje, under instructions from the officer present in the Court, has fairly stated that the proceedings for acquisition and compensation shall be finalised as early as possible and it has been delayed because of big parcels of lands and different numbers of lands which are under measurements.

3. In view of the facts and circumstances obtainable from the record of the present case, and in view of the fact that possession has already been handed over by the petitioners of the land in anticipation of the acquisition proceedings as early as in 1987, and the assurance of learned AGP, Mr. Kogje, under instructions of the officers who are present in the Court that the commencement and conclusion shall be completed within a period of one year, the respondent authorities are directed to initiate or commence the acquisition proceedings in respect of the lands of the petitioners and conclude the same, and resultant payment of compensation that may be found due and payable as per the award may be made under Section 11 of the Act, on or before 31st December 2002 . In case of any difficulty, it will be open for the party concerned to move this Court for further direction.

4. The petition is allowed in view of the above assurance, without any costs. Rule made absolute.

rmr. [J.N. Bhatt, J.]

[Y.B. Bhatt, J.]